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7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 San Francisco Division

12 HENRY A. KLYCE and CAROLE M.
13 KLYCE,

CASE NO. 11 CV 02248 WHA

14 Plaintiffs,

v.

**[PROPOSED]
ORDER RE SUBMISSION OF
SUBPOENAS TO INTERNET SERVICE
PROVIDERS COMCAST, VERIZON,
AND TIME WARNER CABLE**

15 DOES 1-10,

16 Defendants.
17 _____/

18 Upon the application of Plaintiffs Henry and Carole Klyce ("Plaintiffs") for an Order
19 authorizing the issuance of subpoenas duces tecum to Internet Service Providers ("ISP's")
20 Comcast, Verizon, and Time Warner Cable ("Roadrunner") for documents enabling the
21 identification of the persons who logged in to the Yahoo! email account of Carole Klyce
22 without authorization, and good cause appearing,
23

24 IT IS HEREBY ORDERED as follows:

25 1. Plaintiffs are authorized to serve a subpoena, pursuant to F.R.Civ.P. 45, on Comcast,
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1 Verizon, and Time Warner Cable for documents disclosing or relating to the identity of each
2 person or entity whose IP address (at the dates and times specified in the attachment to each
3 respective subpoena) is enumerated in the subpoena. The production shall include, without
4 limitation, documents disclosing the name, address, telephone number, billing address, and
5 username of each such enumerated person.
6

7 2. The return date for said subpoena shall be 14 days from the date of service.

8 3. No later than ten calendar days after service of the foregoing subpoenas, each of
9 Comcast, Time Warner Cable, or Verizon may contest the subpoena served upon it by filing a
10 motion to quash in this Court; however, by no later than the date of filing of such a motion to
11 quash, all responsive documents shall be assembled and preserved pending resolution of the
12 motion to quash, and each responsive document withheld shall be identified to Plaintiff with the
13 same specificity as is required for a privilege log.
14

15 4. Within ten calendar days of service of the foregoing subpoenas duces tecum upon them,
16 Comcast, Verizon, and Time Warner Cable, respectively, shall notify each person whose identity
17 would be disclosed by compliance with the subpoena that his, her, or its identity is being sought by
18 the subpoenas authorized herein. This notice shall be communicated by email, fax, or one-day
19 express mail, and shall include a copy of this Order.
20

21 5. Each person so notified shall also be informed that he, she, or it may, by the fourteenth
22 calendar day after the date of service of the subpoena, file a motion in this Court contesting the
23 subpoena if the motion is accompanied by proof of service on Plaintiff's counsel. If any notified
24 person does file such a motion, production of responsive documents shall be stayed until five days
25 after written notice by the Plaintiffs of the Court's disposition of the motion, at which time
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1 production shall be concluded in accordance with the Court's Order.

2 6. An executed copy of this Order shall accompany the subpoenas.

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5 Dated: _____, 2011

UNITED STATES DISTRICT COURT